

# Child Safety and Mandatory Reporting Policy

## Essential Summary

The *Child Safety and Mandatory Reporting Policy (the policy)* provides all Youth Justice NSW (YJNSW) employees with information about keeping young people safe from abuse and neglect, and direction on how to respond to child protection concerns. YJNSW is committed to being a child safe organisation and continuously improving the systems we have in place to protect children and meet the recommendations of the Royal Commission into the Institutional Responses to Child Sexual Abuse.

This policy covers the role and responsibility of YJNSW to:

- provide a safe environment and support for young people and their carers
- identify child protection concerns and protect young people from harm
- report child protection concerns to relevant authorities.
- behave professionally

The Policy applies to all YJNSW employees, irrespective of whether they have direct client contact.

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# 1 Scope

This policy applies to all YJNSW employees.

# 2 Purpose

The purpose of this policy is to:

- continuously improve on making YJNSW a safe environment for young people
- provide an operational policy that complies with the Child Safe Standards<sup>1</sup>
- comply with the United Nations Convention on the Rights of the Child by ensuring that YJNSW acts with the best interest of the child as a primary consideration<sup>2</sup>
- provide advice on responding appropriately to disclosures or allegations of child protection concerns
- meet legislative mandatory reporting and notification requirements regarding young people
- provide direction to employees, contractors, volunteers and the community on the protection of children who come into contact with YJNSW
- ensure that all employees are suitable and supported to work with young people and keep them safe

# 3 Definitions

**Allegation** means an assertion that someone has done something wrong. Proof is not required for an allegation.

**Child** means a person who is under 18 years of age.

**Child abuse offence** as defined in section 316A of *The Crimes Act 1900*

**Cultural bias** involves a prejudice or highlighted distinction in viewpoint that suggests a preference of one culture over another. Cultural bias introduces one group's accepted behaviour as valued and distinguishable from another lesser valued societal group.<sup>3</sup>

**Disclosure** means that a person has reported, or made known, an instance of abuse or suspected abuse.

**Employee** means an employee of the division, individuals engaged by the division (i.e. may be for volunteer work), deemed employees (e.g. conference convenors), contractors, instructors of religion, students on placement and/or official visitors.

**Mandatory Reporter** a person, who in the course of their professional work or other paid employment, delivers or is directly responsible for managing and directing the delivery of

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<sup>1</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report Recommendations. Retrieved from: <https://www.childabuseroyalcommission.gov.au/recommendations>

<sup>2</sup> Australian Human Rights Commission, Conventions on the Rights of the Child. Retrieved from: <https://www.humanrights.gov.au/convention-rights-child>

<sup>3</sup> T Yingst, Cultural Bias. In: Goldstein S., Naglieri J.A. (eds) Encyclopedia of Child Behavior and Development. Springer, 2011

health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children<sup>4</sup>.

**Mandatory Reporter Guide (MRG)** means the Structured Decision Making tool that supports mandatory reporters in NSW to determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child or young person. It also identifies alternative supports for vulnerable children, young people and their families when a report to the Child Protection Helpline is not advised.

It is accessed at [REDACTED]

**Prescribed Body** means any organisation specified in section 248(6) of the *Children and Young Persons (Care and Protection) Act 1998* or in Clause 8 of the *Children and Young Persons (Care and Protection) Regulation 2000*. The definition includes organisations which are specifically named in the legislation and any organisation responsible for the direct supervision or provision of health care, welfare, education, children's services, residential services, or law enforcement wholly or partly to children.

**Reportable Conduct** is defined in section 20 of the *Children's Guardian Act 2019* as:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), or
- any assault, ill-treatment or neglect of a child, or
- any offence under section 43B (fail to reduce or remove the risk of abuse) or 316A (concealing child abuse offence) of the *Crimes Act 1900* or
- any behaviour that causes significant emotional or psychological harm to a child.

**A Reportable Allegation** is an allegation that the employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment.

**A Reportable Conviction** is a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct, whether or not the conduct occurred in the course of the employee's employment.

**Risk of Significant Harm** means a risk which is serious enough to warrant a response by a statutory authority, irrespective of a family's consent.

What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing.

In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

**Young person** means all young people that YJNSW has a mandate to supervise or work with whether in community or custody.

The different organisations and legislation referred to in this document have varying definitions of child and young person. When a section applies to a specific age group, it will be identified e.g. young people over 18 years old, young people who are under the age of 16, etc.

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<sup>4</sup> as defined under section 27 of the *Children and Young People (Care and Protection) Act 1998*

## 4 Child safe practices

YJNSW is committed to working in a way that protects young people from abuse, keeps them safe when they are with us and empowers them to have a voice in decisions we make about them. The United Nations Convention on the Rights of the Child mandates children's right to protection, which includes the right for young people to participate in decisions that affect them and to be heard.

YJNSW puts the safety and best interests of young people at the centre of our operations and policy making. This means that the opinions and ideas of young people, their families, carers and communities are valued and their rights explained and upheld.

In order to support this approach, YJNSW recruits, develops and supports a workforce and culture where the abuse and/or neglect of young people is actively prevented and where it does occur, is identified, addressed and reported.

Ten child safe standards were identified by the *Royal Commission into Institutional Responses to Child Sexual Abuse* as being present in child safe organisations. As an organisation and as individuals, all YJNSW employees have a role in embedding these standards into their everyday work.

1. Child safety is embedded in our institutional leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld, and diverse needs are taken in to account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe

YJNSW understands that empowering young people and ensuring they are meaningfully and actively participating is an evolving area of practice.

### 4.1 Trauma-informed practice

Many of the young people under the care of YJNSW are survivors of abuse and neglect. Trauma has an impact on the behaviour of young people who offend, including how they will respond to intervention. YJNSW must support the physical, psychological and emotional safety of young people, to provide effective intervention and create opportunities for change. The *YJNSW Practice Guide* outlines practices that employees can use to ensure that their interventions are trauma informed and sensitive to the needs of vulnerable young people.

### 4.2 Cultural bias

YJNSW employees and young people come from diverse cultural backgrounds. YJNSW as a whole must respect and make provision for the culture, language and religion of others. In light of this, the impact of cultural bias on child protection matters must be considered. When working cross culturally it can be easy to misinterpret what is going on within families; this

misinterpretation can lead to poor outcomes for young people. For this reason, YJNSW employees need to actively recognise and monitor their own cultural bias and behaviour.

YJNSW employees must consider the impact of cultural bias when determining if an issue is a child protection matter. This can include:

- checking their own perceptions about parenting or care-giving,
- discussing the situation with a co-worker or
- finding out further information about a culturally unfamiliar practice.

All employees must carefully assess the risks and protective factors for each individual young person, rather than assuming that their own expectations of parenting are correct. However, any behaviour that is assessed as placing a young person at risk of significant harm must be reported.

### **4.3 Over representation of Aboriginal young people**

As outlined in the *YJNSW Aboriginal and Torres Strait Islander Good Practice Guide*, all YJNSW policies and practices must consider the historical impact of interventions and child protection on Aboriginal and Torres Strait Islander people and their community, the ongoing trauma caused by these interventions and the legacy of mistrust and social disadvantage they have left.

Aboriginal young people are over represented in the NSW child protection and criminal justice systems. YJNSW employees have a responsibility to understand the historical context in which they work and ensure that cultural bias does not impact decision making. All employees are encouraged to consult with Aboriginal co-workers, the YJNSW Aboriginal Strategic Coordination Unit (ASCU) or an Aboriginal Communities and Justice Child Protection and Permanency (CPP) caseworker, where relevant, regarding unfamiliar cultural practices.

## **5 Responding to abuse or neglect**

YJNSW seeks to create a safe environment for young people. We must ensure that any suspicion, disclosures and allegations of harm are responded to appropriately and the right authorities are alerted at the relevant time to keep young people safe.

### **5.1 Responding to disclosures**

A young person must be taken seriously and listened to when they disclose they have been subject to abuse or neglect. If the employee has the power or responsibility to do so, concerns for the young person's safety must be addressed immediately. If the employee is not able to address the safety concerns, then they must alert an appropriate person who can. The young person must be offered support to access counselling or another support service.

YJNSW employees must keep young people informed of the mandatory reporting that will need to occur following a disclosure of abuse and to seek their input where practicable unless it is deemed not in the best interest of the young person (e.g. if a young person is threatening to harm themselves if anyone is notified). If a report is made without seeking the young person's input, the issue must be discussed with a manager and a record made in a CIMS case note, explaining the reasoning behind the decision.

Employees must not investigate whether a disclosure is valid. An investigation must only be undertaken by an appropriate authority such as the NSW Police Force (police), The Department of Communities and Justice Child Protection and Permanency Division (CPP), and the YJNSW Conduct and Professional Standards Unit (CAPS) or the NSW Office Of Children's Guardian (OCG).

## 5.2 Early and ongoing support

Where employees identify areas of concern that are not serious enough to warrant a mandatory report to the police or CPP they should provide support, referrals or intervention to young people and their family to address issues early, before a mandatory report to police or CPP is required.

Similarly, if a referral to CPP or the police is required, YJNSW employees should continue working with the young person and their family to increase skills and reduce areas of risk.

## 5.3 The Department of Communities and Justice Child Protection and Permanency Division (CPP) involvement

When a young person is subject to any kind of care order, the 'CS Summary' section of CIMS must be updated to accurately reflect the type of order. YJNSW employees must work with the young person's child protection workers to coordinate service delivery.

# 6 Mandatory reporting to the Child Protection Helpline

YJNSW employees are mandatory reporters under section 27 of *the Children and Young People (Care and Protection) Act 1998*. The Child Protection Helpline is run by CPP and must be contacted, and a report made for any child less than 16 years old, who is at risk of significant harm.

Legislation allows YJNSW employees to report young people who are aged between 16 and 17 years old to the Helpline, when there is a risk of significant harm. YJNSW employees should consider what is in the best interest of the young person between 16 and 17 years old when deciding whether or not to make a report, and should seek the consent of the young person. A report can still be made if the young person does not consent.

If a young person aged between 16 and 17 would like to make a report about a child protection matter, but not be identified to the Helpline, YJNSW employees can assist them in making this report, or report on their behalf.

YJNSW employees must use the Mandatory Reporter Guide (MRG) to determine whether a concern about the possible abuse or neglect of a young person should result in a report being made to CPP. The MRG will direct YJNSW employees to do one of the following:

- make a mandatory report over the phone to the Child Protection Helpline, or lodge a report online (you may be directed to make a report immediately, or within 24 hours)
- consult with a professional/ service
- refer a young person or their family to a support service
- document concerns and continue working with the young person

YJNSW employees can use their professional judgement and make a report if they believe it is necessary, even if they are not supported by the outcome of the MRG.



## 6.1 Reporting requirements for young people under CPP care

Concerns about a young person under the parental responsibility of CPP must be reported to the Child Protection Helpline, regardless of the MRG outcome. This could include, but is not limited to, circumstances where a young person:

- is pregnant or is an expectant father
- has run away
- is missing
- is homeless
- is seriously injured or has been involved in a critical incident
- or if there is an allegation of reportable conduct by CPP employees (including foster carers)

## 6.2 Homelessness

A young person under 16 years of age who is homeless or living away from home without their carer's permission is considered to be at risk of significant harm and a report must be made to the Child Protection Helpline. CPP and YJNSW must collaborate by negotiating who will take the lead to seek appropriate accommodation for the young person in a timely manner and in the best interests of the young person.

Under section 121 of *the Children and Young Persons (Care and Protection) Act 1998*, if a young person is over the age of 16, mandatory reporters must have a young person's consent to report them to the Child Protection Helpline for homelessness (unless the young person is under the parental responsibility of CPP, in which case it must be reported to the Child Protection Helpline). YJNSW employees are encouraged to report a young person over the age of 16 who is unable to make an informed decision. This must be discussed with a manager.

When a young person is at risk of remaining in custody due to accommodation issues, both YJNSW and CPP may have responsibility to provide assistance. The resource *Leading Agency Delegations: Accommodation Pre-release Requirements* must be taken into consideration to identify the lead agency.

## 7 Mandatory reporting to Police

Any incident or allegation of assault causing physical injury or sexual assault on a young person who is in the care or company of YJNSW must be reported to the police. For further information about this, see the *Incident Management Policy*, and related procedures.

Additionally, under section 316A of the *Crimes Act 1900*, if a YJNSW employee "knows, believes or reasonably ought to know" that a child abuse offence has been committed against another person and they have information that might help the offender be apprehended, they must report the offence to the police.

Section 316A (9) of the *Crimes Act 1900* contains a very specific list of child abuse offences. However, in general child abuse offences include most sexual assaults, serious physical assaults and attempts to murder, failure to provide the necessities of life and any assault which occurs within a school.

A report of a historical child abuse offence (that does not involve a YJNSW employee or workplace) may not have to occur if:

- the YJNSW employee believes that the information is already known to police, or; it has already been reported to CPP, or the NSW Ombudsman, or;
- the victim is over 18 years old when they informed you of the offence, and does not want the information to be reported to police

See section 316A of the *Crimes Act 1900* for more information about when a report may not have to occur. YJNSW employees must consult with a supervisor to coordinate the reporting of any concerns to the police to ensure that instances of abuse are not over or under-reported.

## 7.1 Allegation of assault or reportable conduct by Police

Any incident or allegation of assault by a police officer, causing physical injury or sexual assault on a young person, must be recorded on the '*Alleged Assault of Young Person in Police Custody*' form and reported to the:

- Office of the Commissioner of the NSW Police Force
- NSW Office of Children's Guardian
- Law Enforcement Conduct Commission

A report to the Child Protection Helpline must also be completed for young people under 16 years old.

## 8 Allegations against other organisations

If a YJNSW employee is aware of misconduct or reportable conduct of an employee from another organisation (including Justice Health and the Department of Education), in addition to any other reporting requirements (such as reporting to CPP), they may inform the Conduct and Professional Standards Unit (CAPS), through their manager. CAPS may be able to provide relevant information to the other organisation's employer.

## 9 Record keeping

All details of child protection matters, reports and decisions made must be recorded, and the confidentiality and security of the information protected.

Allegations of reportable conduct by an employee must be recorded on the *Summary of an Allegation or Complaint Against an Employee Form*. The Director Community, Director Custody or CAPS are able to provide advice on whether an allegation should also be recorded on CIMS as an incident.

## 10 Professional behaviour

### 10.1 Professional boundaries

YJNSW employees must be consistent when providing care or intervention for young people; modelling appropriate and professional behaviour in all interactions. At all times, the

treatment of young people must encourage their self-respect and a sense of personal responsibility.

YJNSW employees have a responsibility to explain the professional boundaries of their role to young people they work with, including the purpose of any intervention and confidentiality requirements.

YJNSW employees must not engage in behaviour toward young people that is:

- intimidating, humiliating, demeaning, threatening, oppressive, or
- is an abuse of the YJNSW employee's authority.

As an example; YJNSW Centre employees must not state that they have authority, imply they have authority or exercise authority over a young person once their custodial order has finished.

YJNSW employees must not inappropriately, excessively, unnecessarily or unreasonably touch young people. Unnecessary touching can include, but is not limited to, playing with a young person's hair, massaging, play fighting, or touching underwear.

YJNSW employees must respect young people's privacy, particularly while young people in custody are showering and dressing.

### **10.1.1 Gift giving**

Providing food or nominal rewards for positive behaviour or achievements can be a helpful way of building relationships and encouraging positive behaviour with young people. If food or a nominal reward is provided to a young person in the community it must be approved by an assistant or area manager.

All items provided to young people in custody must be approved by the Centre Manager and comply with the *Contraband Policy* and *Incentive Scheme Procedure*.

## **10.2 Failure to protect**

YJNSW employees have a duty of care to the young people we work with, and must protect them from harm when it is within the power and the scope of their role to do so.

In addition to a YJNSW employee's general duty of care, under section 43B of the *Crimes Act 1900*, it is an offence to fail to reduce, or remove the risk of a child abuse offence occurring against a young person by an adult worker, if the risk is known.

If there is a serious risk that an adult worker will commit an offence against a young person, then YJNSW employees must take immediate steps to remove the risk and escalate the matter to the most appropriate manager, or CAPS.

## **10.3 Working With Children Check (WWCC)**

YJNSW employees must have a current and unrestricted Working with Children Check (WWCC) clearance. It is the responsibility of the relevant Centre Manager or Area Manager to verify that all YJNSW employees they are responsible for have a valid clearance. A WWCC can be verified by emailing a YJNSW employee's full name, WWCC number and date of birth to [REDACTED]

YJNSW employees are also subject to police criminal history record checks, and must inform YJNSW of any criminal offences they have been charged with.

There are several situations where people are exempted from needing a WWCC such as people who are undertaking very short term work with young people (e.g.: volunteering, speaking, performing or running programs for YJNSW) and may not need a WWCC if the young people they work with will be in the presence of another adult who has a WWCC the entire time. Very short term work is defined by the Office of the Children's Guardian as no more than 5 days per year.

The *Professional Visits Policy* provides further detail about exemptions and requirements for visitors attending Youth Justice Centres. The Office of the Children's Guardian website and the *Child Protection (Working with Children) Regulation 2013* provide a comprehensive list of situations where people may be exempted from a WWCC.

## 10.4 Complaints

In order to continue improving the intervention and services that YJNSW provides and to ensure young people are safe in their contact with us, young people must be able to provide feedback and make complaints. *The Client Complaints Policy and Procedure* (found on the YJNSW intranet) provides the framework for managing complaints by young people as well as their family members, carers, support people and victims.

The policy and procedure provides direction to ensure that the resolution of complaints is timely, transparent and fair.

# 11 Reportable conduct, allegations and convictions

Under Part 4 of the *Children's Guardian Act 2019*, YJNSW must notify the OCG of any reportable conduct, allegation or reportable conviction against a YJNSW employee. This notification must occur regardless of whether the conduct or conviction occurred in the course of their employment or outside working hours.

CAPS are responsible for referring matters to the OCG. Employees must use the *Summary of an Allegation or Complaint Against an Employee Form* to report allegations of reportable conduct to CAPS, as soon as practicable after becoming aware of an allegation, or conduct. While all allegations of reportable conduct must be sent to CAPS, YJNSW employees and young people can also contact the OCG directly. CAPS are only required to report a matter to the OCG if the subject of the reportable allegation was less than 18 years old at the time of the behaviour. If an employee is alleged to have engaged in reportable conduct during their employment with YJNSW, but are no longer employed, then CAPS must still be notified.

The *Summary of an Allegation or Complaint Against an Employee Form* must be endorsed by a manager and the person responsible for the business unit (area or centre manager) then escalated through their director. YJNSW employees are able to contact CAPS directly through the email address [REDACTED] if they are concerned about reporting through the regular chain of command.

*Section 41* of the *Children's Guardian Act 2019* outlines the following specific behaviours which do not count as reportable conduct:

- reasonable conduct for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to

any relevant codes of conduct or professional standards (e.g. a school teacher raising his or her voice in order to attract attention or restore order in a classroom).

- the use of physical force that, in all the circumstances, is trivial or negligible, if the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures (e.g. touching a child in order to attract the child's attention, momentarily restraining a child to prevent the child hurting themselves or others or touching a child to guide or comfort them).

The Children's Guardian can review any conduct matter, even if Youth Justice determines that it is not reportable conduct.

## 12 Protection for YJNSW employees reporting abuse

Safeguards are in place to protect YJNSW employees who make mandatory reports to CPP, the Office of Children's Guardian and NSW Police Force.

For further information about these safeguards refer to;

- section 29 of the *Children and Young Persons (Care and Protection) Act 1998*
- section 316A(8) of the *Crimes Act 1900*
- section 68 of the *Children's Guardian Act 2019*

## 13 Information sharing

*Chapter 16A of the Children and Young People (Care and Protection) Act 1998* allows prescribed bodies to share or exchange information relating to the safety, welfare and wellbeing of a young person, or of a group of young people. Information may be shared to assess risks, make decisions and identify and deliver appropriate services. Sections 245H and 245D of the *Young People (Care and Protection) Act 1998* provide information about how mandatory reporting requirements interact with privacy and confidentiality laws.

It is important to note that when sharing information under Chapter 16A, the consent of the young person is not necessary but should be sought where possible and the sensitivity of the information must be clearly outlined to the receiving prescribed body.

A release or exchange of information under Chapter 16A should relate to the safety, welfare or well-being of the young person and help the prescribed body make a decision, inform an assessment, plan, provide a service or initiate an investigation that relates to the young person (this can include giving them prioritised access to a service). The release of information should help the prescribed body manage any risk to the young person that might arise in their capacity as an employer or designated agency.

Please see the resource *Information exchange Chapter 16A and s248* for further information about sharing information.

## 14 YJNSW employee misconduct

All instances of misconduct or instances of possible misconduct, including allegations of reportable conduct by a YJNSW employee must be reported to CAPS. Records of the allegation must be kept securely by the business unit.

CAPS will assess any misconduct reported to them, to determine whether it is classed as reportable conduct. This power is delegated to them by the Secretary.

When CAPS become aware of an issue of misconduct, they may take steps to address any immediate risk. This can include temporarily removing a YJNSW employee from front line work while conducting further enquiries. Further information about this process can be found in the *Managing Misconduct Procedure* and part 8 of the *Government Services Employment (General) Rules 2014* and the *Justice Code of Ethics and Conduct*.

### 14.1 Frivolous complaints

If a complaint or report is made about a YJNSW employee that has no serious purpose or value or, is intended to harass the YJNSW employee rather than being founded on proper motives, the matter must be referred to CAPS.

CAPS will consider and assess all available information and determine whether further action is appropriate. This may include action under the *Government Sector Employment Act 2013*, referral to an external agency (e.g. police or Independent Commission Against Corruption), or counselling of the person(s) involved.

## 15 References

### Policy

*Case Management Policy (The Operations Manual)*

*Client Complaints Policy (Intranet)*

*Justice Code of Ethics and Conduct (Intranet)*

*Contraband Policy (The Operations Manual)*

*Justice Multicultural Plan (Intranet)*

*Incident Management Policy, Reporting, Debrief and Review (The Operations Manual)*

### Procedure

*Child Safety and Mandatory Reporting Procedure (The Operations Manual)*

*Client Complaints Procedure (Intranet)*

*Contraband Procedure (The Operations Manual)*

*Incentive Scheme Procedure*

*Managing Misconduct Procedure (Intranet)*

## Forms

*Alleged assault of young person in police custody (The Operations Manual)*

*Summary of an Allegation or Complaint Against an Employee Form (Intranet)*

*Complaint form (CIMS)*

## Resources

*Information exchange Chapter 16A and s 248*

*Leading Agency Delegations: Accommodation Pre-Release Requirements (The Operations Manual – Bail)*

*The Juvenile Justice and Ombudsman Class or Kind Agreement 2009*

*YJNSW Practice Guide (Intranet)*

*YJNSW Aboriginal and Torres Strait Islander Good Practice Guide (Intranet)*

## Legislation

*Children and Young Persons (Care and Protection) Act 1998*

*Child Protection (Working with Children) Act 2012*

*Child Protection (Working with Children) Regulation 2013*

*Children (Detention Centres) Act 1987*

*Children (Detention Centres) Regulation 2015*

*Children's Guardian Act 2019*

*Government Sector Employment Act 2013*

*Government Sector Employment (General) Rules 2014*

*The Crimes Act 1900*

*The Ombudsman Act 1974*

# 16 Document information

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<b>Title:</b>	Child Safety and Mandatory Reporting Policy
<b>Business Centre:</b>	Operations Unit
<b>Author:</b>	Project Officer
<b>Approver:</b>	Director Policy and Practice
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**Key Words:** Child safe, child safety, child protection, EPSU, CAPS, mandatory reporting, MRG, FACS, CPP, Ombudsman, Police

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## 17 Document history

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Version	Date	Reason for Amendment
1	24 January 2020	New policy (Replaces Client Protection and Wellbeing Policy)
1.1	06 July 2020	Change of reporting obligation from Ombudsman to Office of Children's Guardian

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## 18 Appendix 1 – Signs of abuse and neglect

CPP provides an online resource which can help YJNSW employees identify signs of abuse and neglect.<sup>5</sup> The following signs are not exhaustive, and some of these signs may be present without neglect or abuse occurring.

<p><b>Neglect</b> is when a parent or caregiver cannot or chooses not to regularly give a child the basic things needed for his or her growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision, or enough parenting and care.</p>
Signs of neglect include;
<ul style="list-style-type: none"><li>• a lack of basic needs provided such as nutrition, shelter or education</li><li>• low weight for age and failure to thrive and develop</li><li>• untreated physical problems, such as sores and dental decay</li><li>• poor standards of hygiene</li><li>• a lack of age appropriate supervision</li><li>• poor school attendance</li><li>• presence of illegal drugs</li></ul>
<p><b>Physical abuse</b> – Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, caregiver or any other person. It includes but is not limited to any application of unreasonable force to a child, injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.</p>
Signs of physical abuse include;
<ul style="list-style-type: none"><li>• bruising to face, head and neck</li><li>• other bruising and marks which may show the shape of the object that caused it, such as a belt buckle or hand print</li><li>• adult bite marks and scratches</li><li>• lacerations, welts, burns and scalds, including cigarette burns</li><li>• explanation of an injury which is not consistent with the injury</li></ul>
<p><b>Sexual abuse</b> – Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children or young people are bribed or threatened physically and psychologically to make them participate in the activity.</p>
Signs of sexual abuse include;

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<sup>5</sup> Family and Community Services. Signs of Abuse. Retrieved from



- sexually transmitted diseases
- sexual knowledge or behaviour inappropriate for the young person's age
- reported bruising or bleeding in the genital area
- regressive behaviour, such as sudden return to bed-wetting or soiling

**Emotional abuse or psychological harm** – Serious psychological harm can occur where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma.

Although it is possible for 'one off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child or young person.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

Signs of emotional abuse include;

- constant feelings of worthlessness about life and themselves
- inability to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- reports or evidence of extreme punishments

All types of abuse and neglect harm young people psychologically, but the term 'psychological harm' or 'emotional abuse' applies to behaviour which damages the confidence and self-esteem of a young person, resulting in serious emotional deprivation or trauma.

## 19 Appendix 2 - mandatory reporting summary table

Type of incident or abuse	Who to notify		
	Notify Police	Notify CPP When the Young person is < 16 Years Old or 16-17 with consent or < 18 and PR to CPP	Notify CAPS Who will notify the OCG
Physical or sexual assault of young person*	✓	✓	
Physical or sexual assault on young person by YJNSW employee	✓	✓	✓
Sexual activity or relationship between YJNSW employee and client who is over 18 Years Old	Seek advice from CAPS on contacting police.	-	✓
Physical/ sexual assault by young person on young person in YJNSW workplace	✓	✓	✓ If YJNSW employee neglect allowed the assault to occur.
Historical abuse of under 16 YO	✓	✓	CAPS if YJNSW employee is involved
Historical abuse disclosed by 18+ YO	✓	-	✓ If YJNSW employee is involved
Historical abuse disclosed by 16-17 YO	✓	✓ With consent of YP	✓ If YJNSW employee is involved
Assault by police officer	✓ (Alleged assault of young person in police custody form)	✓	-
Under 16 YO being groomed for sex	✓	✓	-

Young person is being groomed for sex by YJNSW employee	✓ (Contact CAPS for advice)	✓	✓
YJNSW employee has a reportable conviction	-	-	✓
Neglect, homelessness or other welfare risk	-	✓	
Neglect / failure to provide care in custody	✓ (Contact CAPS for advice)	✓ (Contact CAPS for advice)	✓ (Contact CAPS for advice)
Self-harm or attempted suicide by young person	-	✓ If directed by MRG	-
YJNSW employee crossing professional boundaries with a young person and/or engaging in behaviours that could cause psychological harm to a young person	-	-	✓

**Note: This table identifies the minimum mandatory reporting that must occur. It does not identify casework obligations, or duty of care obligations.**

\*Not all physical assaults need to be reported to police, see section 7 of this policy.

## 20 Appendix 3 – Flowchart

### Reporting a child safety concern

This flowchart be used in conjunction with the Child Safety and Mandatory Reporting Policy and Procedure

